

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-CR-00055-RJC-DCK

USA

v.

BRYAN PERALTA

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ORDER

THIS MATTER comes before the Court upon the defendant's pro se motions to compel former counsel to turn over all records and files, (Doc. No. 92), and to reconsider the denial of his motion for a copy of the transcript from his sentencing hearing at government expense, (Doc. No. 93).

As demonstrated by the email message from former counsel attached to the motion to compel, (Doc. No. 92 at 2), the standard discovery agreement used in this district prevents counsel from providing a copy of discovery to his client. Additionally, a court is without authority to order former counsel to provide such materials to a defendant. In re O'Kane, 91 F.3d 132, at *1 (4th Cir. June 27, 1996) (unpublished). Therefore, the motion to compel will be denied.

In the motion to reconsider, the defendant asserts that a transcript is necessary to recite case law and arguments by counsel to demonstrate alleged deficient performance. (Doc. No. 93 at 1). The defendant has failed to show that any suit or habeas corpus proceeding has been filed, which could trigger the provision of a transcript under 28 U.S.C. § 753(f) or 28 U.S.C. § 2250. Thus, the motion to reconsider will be denied.

IT IS, THEREFORE, ORDERED that defendant's motions to compel former counsel to turn over all records and files, (Doc. No. 92), and to reconsider the denial of his motion for a copy of the transcript from his sentencing hearing at government expense, (Doc. No. 93), are **DENIED**.

Signed: August 15, 2018

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

